IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA NO.2872 of 2006(O&M)
DATE OF DECISION. January 25, 2007.

Devinder Singh .....Petitioner

Versus

Bant Singh and others .....Respondents

CORAM **HON'BLE MR. JUSTICE VINEY MITTAL**

PRESENT Mr. Abhishek Arora, Advocate
for the appellant.

VINEY MITTAL, J (Oral)

For the reasons stated in the application, delay in re-filing the appeal is condoned.

The plaintiff having lost concurrently before the two Courts below has filed the present appeal. A suit for possession and permanent injunction was filed by the plaintiff. Plaintiff claimed that a power of attorney was obtained on December 19, 1978 by Gurdass Singh by mis representation and on that basis, he had executed sale-deed dated February 13, 1981 in favour of defendants no.1 to 9. The plaintiff challenged the aforesaid sale-deed by filing the suit in question on August 17,1985.

Both the Courts below have concurrently held that the aforesaid power of attorney had been willfully and voluntarily executed by the plaintiff and it was wrong for the plaintiff to claim that he was a minor at that time . On that basis and on the basis of further evidence produced by the parties, it has been held that the sale-deed executed by the aforesaid attorney of the plaintiff was legal and valid and binding upon the

parties.

Consequently suit filed by the plaintiff was dismissed by the trial Court and his appeal has been dismissed by the Appellate Court.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to law.

No question of law, much less, any substantial question of law arises in the present appeal.

Dismissed.

January 25, 2007 **(VINEY MITTAL)**
mamta **JUDGE**